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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,872	12/31/2001	David Allan Collins	SAMS01-00188	6634
7590 12/01/2005 NOVAKOV DAVIS & MUNCK 900 THREE GALLERIA TOWER 13155 NOEL ROAD DALLAS, TX 75240			EXAMINER PEREZ, ANGELICA	
			ART UNIT 2684	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,872

Applicant(s)

COLLINS, DAVID ALLAN

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by He (He et al.; US Patent No.: 6,671,259 B1).

Regarding claim 27, He teaches of a controller for allocating call identity values to call connections associated with a switch (column 10, lines 43-46; where a processor has control functions. See also, figure 4, item 145; columns 5 and 6, lines 57-67 and 1-29, respectively), the switch capable of handling call connections between calling devices and called devices on a plurality of trunk lines associated with the switch (columns 1 and 2, lines 6-10 and 18-19; where the data calls are established from client

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to server), the controller comprising: N call application nodes capable of executing a plurality of identity server processes that allocate call identity values to the call connections (columns 1 and 2, lines 24-30 and 16-38, respectively; where the nodes are the servers and where the allocation of call identity values requires certain processes to be performed in order to complete the allocation); and a load sharing group, selecting one of a first and second identity server processes to allocate a call identity value to a new call connection associated with the call identity request according to a load distribution algorithm (column 3, lines 49-54 and 58-61, respectively and column 4, lines 1-5; e.g., "selected server performs the task required by the client system"), where the first identity server application comprises a first primary-backup group server application (column 12, lines 55-65; e.g., "...a second LBS selector can act as a backup to a first LBS selector..."), where the first identity server process comprises a first primary-backup identity server group (column 3, lines 30-39; where group of servers 9a comprise servers that perform the same services, tasks, therefore, backing up the service of the original server employed for a certain service or task. Also, column 12, lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1"), a first primary identity server application, executing on a first call application node and a first backup identity server application associated with the first primary identity server application (column 12, lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1"), and where, responsive to a failure of the first primary identity server application, the first backup

identity server application assumes the role of first primary identity server application (column 3, lines 30-39; where group of servers 9a comprise servers that perform the same services, tasks, therefore, backing up the service of the original server employed for a certain service or task. Also, column 12, lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1").

Regarding claim 28 He teaches all the limitations of claim 27. He further teaches where the first identity server process allocates call identity values having a first contiguous range (column 3, lines 31-33; where "group a" conforms to a range of same functions) and the second identity server application allocates call identity values having a second contiguous range different than the first contiguous range (column 3, lines 31-39; where "group b" performs the same functions corresponding to its range).

Regarding claim 29, He teaches all the limitations of claim 27 He further teaches where the load distribution algorithm distributes new call identity requests in an alternating manner between the first and second identity server processes (column 13, lines 11-14; where "round robin fashion" corresponds to "alternating manner").

Regarding claim 30, He teaches all the limitations of claim 27. He further teaches where the load distribution algorithm selects between the first and second identity server processes according to a current processing load of the first identity server process and a current processing load of the second identity server process (column 9, lines 52-60; e.g., "due to load"; column 7, lines 67 and 1-6).

Regarding claim 31, He teaches all the limitations of claim 30. He further teaches where the load distribution algorithm selects between the first and second identity server processes in order to maintain the current processing load of the first identity server application at a level substantially equal to the current processing load of the second identity server application (column 11, lines 1-10; where "load balance" corresponds to a "substantially equal load").

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over He in view of Colby (Colby et al.; US Pat. No.: 2004/0,039,820 A1).

Regarding claim 32, He teaches all the limitations of claim 27.

He does not specifically teach where call state information associated with the first primary identity server application is mirrored to the first backup identity server application.

In related art concerning a method and apparatus for packet flow directivity based on request and server attributes, Colby teaches where call state information associated with the first primary identity server application is mirrored to the first backup

identity server application (paragraph 0015; e.g., “mirroring of critical data in distributed data centers...”).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine He's controller for allocating call identity values to call connections associated with a switch with Colby's mirrored first primary identity server in order to provide backup in case of a partial communication failure as well as to allow transparent removal of servers, as taught by Colby.

Regarding claim 33, He in view of Colby teaches all the limitations of claim 32. He further teaches where the first backup identity server application is executing on the first call application node (column 12, lines 55-59; where the servers correspond to different selectors, nodes).

Regarding claim 34, He in view of Colby teaches all the limitations of claim 32. He further teaches where the first backup identity server application is executing on a second call application node (column 13, lines 5-11; operating in the same sector, node).

Regarding claim 35, He in view of Colby teaches all the limitations of claim 27. He further teaches where the second identity server application comprising a second primary-backup identity server application node (column 12, lines 43-50; where client systems sectors comprise their backup servers) and a second backup identity server application associated with the second primary identity server application (column 10, tables 1, 2 and 3; where the applications are associated with their respective servers and backup systems as well as with other servers).

Regarding claim 36, He in view of Colby teaches all the limitations of claim 35. Colby further teaches where call state information associated with the second primary identity server application is mirrored to the second backup identity server application (0013, lines 1-5 and paragraph 0015).

Regarding claim 37, He in view of Colby teaches all the limitations of claim 36. Colby further teaches where the second backup identity server application is executing on the second call application node (paragraph 0013, lines 1-5 and paragraph 0015).

Regarding claim 38, He in view of Colby teaches all the limitations of claim 36. He further teaches where the second backup identity server application is executing on a call application node separate from the second call application node (column 13, lines 5-11; operating in the same sector, node).

5. Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over He (He et al.; US Patent No.: 6,671,259 B1) in view of Ueno (Ueno et al.; US Patent No.: 5,754,959)

Regarding claim 39, He teaches of controller for allocating call identity values to call connections associated with a switch (column 10, lines 43-46; where a processor has control functions), the switch capable of handling call connections between calling devices and called devices on a plurality of trunk lines associated with the switch (column 1, lines 6-10; where the data calls are established from client to server), the controller comprising: N call application nodes capable of executing a plurality of identity server processes that allocate call identity values to the call connections (columns 1 and 2, lines 24-30 and 16-38, respectively; where the nodes are the servers and where the



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allocation of call identity values requires certain processes to be performed in order to complete the allocation); and a load sharing group, selecting one of a first and second identity server processes to allocate a call identity value to a new call connection associated with the call identity request according to a load distribution algorithm (column 3, lines 49-54 and 58-61, respectively and column 4, lines 1-5; e.g., "selected server performs the task required by the client system"), where the first identity server application comprises a first primary-backup group server application (column 12, lines 55-65; e.g., "...a second LBS selector can act as a backup to a first LBS selector..."), where the first identity server process comprises a first primary-backup identity server group (column 3, lines 30-39; where group of servers 9a comprise servers that perform the same services, tasks, therefore, backing up the service of the original server employed for a certain service or task. Also, column 12, lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1"), a first primary identity server application, executing on a first call application node and a first backup identity server application associated with the first primary identity server application (column 12, lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1"), and where, responsive to a failure of the first primary identity server application, the first backup identity server application assumes the role of first primary identity server application (column 3, lines 30-39; where group of servers 9a comprise servers that perform the same services, tasks, therefore, backing up the service of the original server employed for a certain service or task. Also, column 12,

lines 55-65; e.g., "...if LBS selector F1 becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the LBS selector F1").

He does not specifically teach of a wireless network comprising: a plurality of base stations capable of communicating with a plurality of mobile stations in a coverage are of the wireless network; and a mobile switching center coupled to the plurality of base stations and to a public switched telephone network by a plurality of trunk lines.

In related art concerning mobile communication systems with a load balancing feature, Ueno teaches of a wireless network comprising (figure 1): a plurality of base stations capable of communicating with a plurality of mobile stations in a coverage are of the wireless network (figure 1, items MS and BS); and a mobile switching center coupled to the plurality of base stations and to a public switched telephone network by a plurality of trunk lines (figure 1, item 1).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine He's controller for allocating call identity values to call connections associated with a switch with Ueno's wireless network in order to equalize loads in the wireless system, as taught by Ueno.

Regarding claim 40 He teaches all the limitations of claim 39. He further teaches where the first identity server process allocates call identity values having a first contiguous range (column 3, lines 31-33; where "group a" conforms to a range of same functions) and the second identity server application allocates call identity values having a second contiguous range different than the first contiguous range (column 3, lines 31-39; where "group b" performs the same functions corresponding to its range).

Regarding claim 41, He teaches all the limitations of claim 39. He further teaches where the load distribution algorithm distributes new call identity requests in an alternating manner between the first and second identity server processes (column 13, lines 11-14; where "round robin fashion" corresponds to "alternating manner").

Regarding claim 42, He teaches all the limitations of claim 39. He further teaches where the load distribution algorithm selects between the first and second identity server processes according to a current processing load of the first identity server process and a current processing load of the second identity server process (column 9, lines 52-60; e.g., "due to load"; column 7, lines 67 and 1-6).

Regarding claim 43, He teaches all the limitations of claim 42. He further teaches where the load distribution algorithm selects between the first and second identity server processes in order to maintain the current processing load of the first identity server application at a level substantially equal to the current processing load of the second identity server application (column 11, lines 1-10; where "load balance" corresponds to a "substantially equal load").

made.

6. Claims 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over He in view Ueno and further in view of Colby (Colby et al.; US Pat. No.: 2004/0,039,820 A1).

Regarding claim 44, He teaches all the limitations of claim 39.

He does not specifically teach where call state information associated with the first primary identity server application is mirrored to the first backup identity server application.

In related art concerning a method and apparatus for packet flow directivity based on request and server attributes, Colby teaches where call state information associated with the first primary identity server application is mirrored to the first backup identity server application (paragraph 0015; e.g., "mirroring of critical data in distributed data centers...").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine He's controller for allocating call identity values to call connections associated with a switch with Colby's mirrored first primary identity server in order to provide backup in case of a partial communication failure as well as to allow transparent removal of servers, as taught by Colby.

Regarding claim 45, He in view of Colby teaches all the limitations of claim 44. He further teaches where the first backup identity server application is executing on the first call application node (column 12, lines 55-59; where the servers correspond to different selectors, nodes).

Regarding claim 46, He in view of Colby teaches all the limitations of claim 44. He further teaches where the first backup identity server application is executing on a second call application node (column 13, lines 5-11; operating in the same sector, node).

Regarding claim 47, He in view of Colby teaches all the limitations of claim 39. He further teaches where the second identity server application comprising a second primary-backup identity server application node (column 12, lines 43-50; where client systems sectors comprise their backup servers) and a second backup identity server application associated with the second primary identity server application (column 10, tables 1, 2 and 3; where the applications are associated with their respective servers and backup systems as well as with other servers).

Regarding claim 48, He in view of Colby teaches all the limitations of claim 47. Colby further teaches where call state information associated with the second primary identity server application is mirrored to the second backup identity server application (0013, lines 1-5 and paragraph 0015).

Regarding claim 49, He in view of Colby teaches all the limitations of claim 48. Colby further teaches where the second backup identity server application is executing on the second call application node (paragraph 0013, lines 1-5 and paragraph 0015).

Regarding claim 50, He in view of Colby teaches all the limitations of claim 48. He further teaches where the second backup identity server application is executing on a call application node separate from the second call application node (column 13, lines 5-11; operating in the same sector, node).

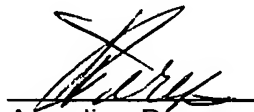
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
Angelica Pérez  
(Examiner)

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER

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November 18, 2005